

AMENDED IN SENATE MAY 20, 1997

AMENDED IN SENATE MAY 1, 1997

**SENATE BILL**

**No. 548**

**Introduced by Senator Solis**

February 24, 1997

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An act to add Section 1941.3 to the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 548, as amended, Solis. Residential dwellings.

Existing law requires the lessor of a building intended for human occupation to maintain the building in a condition fit for human occupation, absent an agreement in which the lessee undertakes to improve, repair, or maintain all or stipulated portions of the building. Existing law provides that a building is untenable if it lacks prescribed affirmative standard characteristics, such as floors, stairways, and railings maintained in good repair and effective waterproofing and weather protection of roof and exterior walls.

This bill would require a landlord of a building intended for human habitation, on and after July 1, 1998, to install and maintain locks on doors and windows, as specified, and for buildings with 16 or more units to install specified locks on doors to common areas and to install specified lighting in hallways, parking areas, walkways, stairways, and main entrances.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1941.3 is added to the Civil Code, to read:

1941.3. (a) On and after July 1, 1998, the landlord, or his or her agent, of a building intended for human habitation shall do all of the following:

(1) Install and maintain operable deadbolt locks on the exterior doors that provide the closest access to the living areas of a dwelling unit. The deadbolt lock shall be inserted into a hole that is bored into the door and have a bolt that is at least one inch in length. When locked, the bolt shall protrude into the doorframe.

(2) Install and maintain operable window locks for windows and sliding glass doors that are designed to be opened. Windows and sliding glass doors that are more than 12 feet vertically or six feet horizontally from the ground, a roof, or any other platform are excluded from this subdivision.

(3) Install locking mechanisms that comply with applicable fire and safety codes on the exterior doors that provide ingress or egress to common areas with access to dwelling units in multifamily developments with 16 or more units.

(4) In apartment buildings or complexes with 16 or more units, install and maintain incandescent light bulbs with a minimum of 60 watts at a maximum height of eight feet or light that has a minimum average surface illumination of 0.2 footcandles in the hallways, parking areas, walkways to and from parking areas, stairways, and main entrances.

(b) The tenant shall be responsible for notifying the owner or his or her authorized agent when the tenant becomes aware of an inoperable deadbolt lock, window lock, or sliding glass door lock to the dwelling unit. The owner or his or her authorized agent shall correct any reported deficiencies in the lock within a reasonable time and shall not be in violation of subdivision (a) before he or she receives notice of a deficiency.

1 (c) On and after ~~January~~ *July* 1, 1998, the rights and  
2 remedies of tenant for a violation of this section by the  
3 landlord shall include those available pursuant to Sections  
4 1942, 1942.4, and 1942.5, an action for breach of contract,  
5 and an action for injunctive relief pursuant to Section 526  
6 of the Code of Civil Procedure. Additionally, in an  
7 unlawful detainer action, after a default in the payment  
8 of rent, a tenant may raise the violation of this section as  
9 an affirmative defense and shall have a right to the  
10 remedies provided by Section 1174.2 of the Code of Civil  
11 Procedure.

12 (d) A violation of this section shall not broaden, limit,  
13 or otherwise affect the duty of care owed by a landlord  
14 pursuant to existing law, including any duty that may  
15 exist pursuant to Section 1714. The delayed applicability  
16 of the requirements of subdivision (a) shall not affect a  
17 landlord's duty to maintain the premises in safe condition.

18 (e) Nothing in this section shall be construed to affect  
19 any authority of any public entity that may otherwise  
20 exist to impose any additional security requirements  
21 upon a landlord.

